

**VIA EMAIL**

January 30, 2019

Austin R. Evers  
Executive Director  
American Oversight  
1030 15th Street, NW, Suite B255  
Washington, DC 20005  
[foia@americanoversight.org](mailto:foia@americanoversight.org)

Re: Freedom of Information Act Request  
FOIA Tracking# F2017-844497

Dear Mr. Evers:

This letter is an **interim** response to your request under the Freedom of Information Act ("FOIA"). Because your request seeks information relating to the Department's responsibilities under the Employee Retirement Income Security Act of 1974 ("ERISA"), your request was forwarded to several agencies within the Department of Labor, including the Office of the Solicitor, Plan Benefits Security Division ("PBSD"), for a response. This response is on behalf of PBSD.

Your request as modified seeks:

1. All communications with any plaintiff in any of the 74 plaintiffs in the 13 federal cases concerning contraception coverage who have reported to settle or resolve legal actions against DOL that (a) request the federal government compensate the plaintiff for attorneys fee and costs or (b) provide any support to justify any request for fees and costs, including any information regarding the amount of fees and costs incurred or the legal basis upon which the federal government might be obligated to cover a plaintiffs fees and costs.
2. Records sufficient to identify the amount and source of any funds paid or scheduled to be paid to plaintiffs to compensate them for costs and fees as part of the settlement of cases responsive to Item 1.
3. All emails sent to or received from an address not ending in .gov discussing, regarding, or relating to the Interim Final Rule regarding Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act (ACA).

4. All emails sent to or received from an address not ending in .gov discussing, regarding, or relating to the Interim Final Rule regarding Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA.

PBSD conducted a search of its email system for communications responsive to your request. The search revealed no documents responsive to items 1 and 2 of your request. Attorneys for the Department of Labor are not the attorneys of record for the Department in the contraception coverage litigation. Instead, the Department is represented by attorneys from the United States Department of Justice in that litigation. The information you seek in items 1 and 2 of your FOIA request may be available from the Department of Justice. Their FOIA contact information is:

Hirsh D. Kravitz  
FOIA, Records, and E-Discovery Office  
Civil Division  
Department of Justice  
Room 8314  
1100 L Street, NW  
Washington, DC 20530-0001

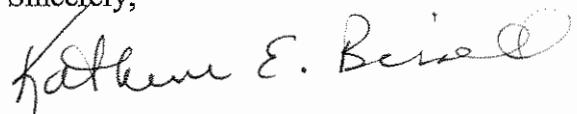
With respect to items 3 and 4 of your FOIA request, PBSD's search returned several thousand emails, most of which have been reviewed and found non-responsive. The remaining 1,923 emails are being reviewed for responsiveness. At this time, no emails responsive to your request have been identified.

I believe that the Department has been, and continues to be, responsive to your request and we are continuing to process the emails noted above. Should you disagree, you may appeal the action taken in this letter. Your appeal must be filed within ninety (90) days of the date of this letter, and must state in writing the grounds for appeal, including any supporting statements and arguments. You should include copies of your initial request and this response. The appeal should be sent to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Ave., N.W., Room N-2428, Washington, D.C. 20210. Both the envelope and the letter of appeal should be marked clearly, "Freedom of Information Act Appeal". See 29 C.F.R. 70.22.

If you need any further assistance or would like to discuss any aspect of your request please do not hesitate to contact Wayne Berry of PBSD at 202-693-5585 or the DOL FOIA Public Liaison, Thomas Hicks, at 202-693-5427 or by email at [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov). Alternatively, you may contact the Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA) to inquire about the mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and

Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by e-mail at ogis@nara.gov, by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 1-877-684-6448.

Sincerely,



Katherine E. Bissell  
Deputy Solicitor for  
Regional Enforcement



**VIA E-MAIL**

March 15, 2019

Mr. Austin R. Evers  
American Oversight  
1030 15th Street NW, Suite B255  
Washington, D.C. 20005  
[foia@americanoversight.org](mailto:foia@americanoversight.org)

Re: Freedom of Information Act Request  
FOIA Tracking# F2017-844497

Dear Mr. Evers:

This letter is a **final response** addressing your request under the Freedom of Information Act ("FOIA"). Because your request seeks information relating to the Department's responsibilities under the Employee Retirement Income Security Act of 1974 ("ERISA"), your request was forwarded to the Office of the Solicitor, Plan Benefits Security Division for a response.

Your request as modified seeks:

1. All communications with any plaintiff in any of the 74 plaintiffs in the 13 federal cases concerning contraception coverage who have reported to settle or resolve legal actions against DOL that (a) request the federal government compensate the plaintiff for attorneys fee and costs or (b) provide any support to justify any request for fees and costs, including any information regarding the amount of fees and costs incurred or the legal basis upon which the federal government might be obligated to cover a plaintiffs fees and costs.
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4. All emails sent to or received from an address not ending in .gov discussing, regarding, or relating to the Interim Final Rule regarding Moral Exemptions and Accommodations for Coverage of Certain Preventive Services under the ACA.

PBSD conducted a search of its email system for communications responsive to your request. The search revealed no documents responsive to items 1 and 2 of your request. As we explained in our interim response, attorneys from the United States Department of Justice represent the Department of Labor in contraception coverage litigation. The information you seek in items 1 and 2 of your FOIA request may be available from the Department of Justice. Their FOIA contact information is:

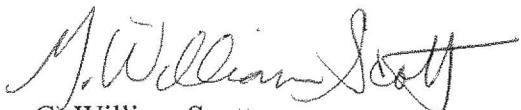
Hirsh D. Kravitz  
FOIA, Records, and E-Discovery Office  
Civil Division  
Department of Justice  
Room 8314  
1100 L Street, NW  
Washington, DC 20530-0001

The search of PBSD's email system did not reveal any documents responsive to items 3 and 4 of your request.

If you should need any further assistance or would like to discuss your request, please do not hesitate to contact Wayne Berry of PBSD at 202-693-5585 or the DOL FOIA Public Liaison, Thomas Hicks, at 202-693-5427 or by email at [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov). Alternatively, you may contact the Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA) to inquire about the mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by e-mail at [ogis@nara.gov](mailto:ogis@nara.gov), by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 1-877-684-6448.

Although we do not consider this a denial of your FOIA request, if you disagree, you may file an appeal with the Solicitor of Labor. The appeal must be filed, in writing, within ninety (90) days of the date of this letter, and must state the grounds for appeal, and may include any supporting statements and arguments. In order to facilitate the processing of your appeal, please include your mailing address and daytime telephone number as well as a copy of your initial request and a copy of this letter. Both the envelope and the letter of appeal should be marked clearly, "Freedom of Information Act Appeal". Any amendment to the appeal must be made in writing and received prior to a decision. The appeal should be sent to the Solicitor of Labor, FOIA Appeals Unit, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Ave., N.W., Room N-2420, Washington, D.C. 20210. Appeals may also be submitted by email to [foiaappeal@dol.gov](mailto:foiaappeal@dol.gov). Appeals submitted to any other email address will not be accepted.

Sincerely,



G. William Scott  
Associate Solicitor  
Plan Benefits Security Division